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TIPLO News

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This news mail distributed in Japanese and English from time to time provides updates on the development of law in Taiwan with focus on intellectual property rights law. For more information about the status of intellectual property right protection and practice in Taiwan, please visit our website www.tiplo.com.tw

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01 Taiwan, UK conclude MOU on biological materials deposit

To cope with Taiwanese nationals' diversified patent applications and patent layout and to expand deposit network collaboration with other countries, Taiwan IPO and UKIPO signed a memorandum of understanding, "Mutual Cooperation on Biological Materials Deposit for Taiwan-British Patent Procedures" on December 1, 2017 and the mutual recognition was officially effected on the same day. This Taiwan-U.K. MOU manifests another breakthrough for patent cooperation subsequent to Taiwan-Japan mutual recognition of deposit of biological materials implemented in 2015.

Taiwan IPO pointed out that under the Taiwan-UK cooperation agreement, Taiwanese national applicants will have to make a deposit of biological materials at Food Industry Research and Development Institute in Taiwan or the depository

institution in the UK and also provide depository documents to Taiwan IPO or UKIPO. Both Taiwan IPO and UKIPO will recognize the fact of the deposit, and therefore, applicants will not have to repeatedly make duplicate deposits. Now with the Taiwan-U.K. cooperation program, Taiwanese companies or research institutions which file patent applications in multiple countries may choose to make a deposit at the depository in the U.K. in addition to that in Japan mutually recognized by our country and Japan.

According to the Taiwan IPO's press statement, most of the invention patent applications coming from the U.K. involve inventions regarding biotechnology, medicine, and pharmaceuticals and their numbers have been increasing year by year. In this regard, Taiwan IPO took the initiative in contacting the UKIPO to take up their mutual collaboration, and after efforts for years, both sides concluded the MOU, which enlarges Taiwan's scope of mutual recognition for deposit with other countries.

The Taiwan-U.K. cooperation under this MOU will not only provide Taiwanese nationals with multiple options for depositories but also avoid the complicated procedures for import or export of biological materials and also the risk of contamination with other microorganisms during transportation. Moreover, the Taiwan-U.K. cooperation will be contributive to the development of patent layout of domestic biotechnology, medicine, and food industries and will also attract more investments and patent applications coming from the U.K. or any other countries in Europe. (December 2017)

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02 ITRI captures 9 awards at 2017 R&D 100 Awards

ITRI (Industrial Technology Research Institute) won nine 2017 R&D 100 Awards (which is often referred to as the "Oscars of Innovation") and also received the Special Recognition Award in Green Tech by its invention titled "LCD Waste Recycling System", which is ITRI's best ever performance through these years.

According to the press release issued by ITRI, ITRI tied with the world-renowned Oak Ridge National Laboratory and Los Alamos National Laboratory for the first place with respect to the number of awards received. The number of the awards ITRI claimed this year exceeds that of MIT, NASA, GM, and many of ITRI's winning technologies have been practiced and commercialized in the industry.

ITRI's winning innovations include "BESTAI" (Building Energy Simulation Technology with Artificial Intelligence), "ChemSEI-Linker", "CoolSo", "CyberEpi", "The LCD Waste Recycling System", "CINmat" (Microwave Annealing Technology), "PT-ESL" (Power and Thermal-Aware Electronic System Level Platform), and "PHM" (Prognostic and Health Management Software in Semiconductors), which may be applied to such a wide range of realms as smart manufacturing, green energy management, intelligence system for software and hardware integration, and circular economy.

It is noteworthy that ITRI has received an award and the Special Recognition Award in Green Tech by its innovation, "The LCD Waste Recycling System". The R&D 100 Awards Finalists for Special Recognition, selected by an independent panel of judges coming from top R&D institutions and national laboratories, are to recognize and honor the technologies or R&D companies that are strive to promote innovation and

R&D developments and make outstanding contribution in green tech field. It is a special honor to receive the award for Special Recognition because only three innovation entries were highlighted in this category.

Besides, software and hardware integration has been a key drive for global innovative economy. Recognizing this tendency, the ITRI for years has been devoted to developing intelligence system for integrating software and hardware. This year, four of ITRI's finalist innovations stood out to be highly recognized by the panel, winning not only the awards in the Software/Service category but also the visibility of ITRI's performance, strength, and capacity in software and hardware integration.

Among those award-winning inventions, BESTAI, a "Building Energy Simulation Technology with Artificial Intelligence" is an energy-saving expert system with a user-friendly interface, drop-down menu, and search method that allow establishment of standard building energy models and database, which includes 18 kinds of roofs, 28 kinds of walls, and 324 kinds of windows, and other commonly-used building materials, and also 7,000 kinds of electrical equipments qualified for the Energy Label program. This technology has been applied by Hua Nan Bank, FamilyMart, Ruentex for conducting energy-saving diagnosis for buildings.

ITRI's "LCD Waste Recycling System" is a technology with respect to solution for waste LCD panels treatment, through which two glass substrate plates enclosing liquid crystals are separated, and liquid crystals are exposed and extracted, and impurity is removed from the crystals through multiple sequential processes of distillation, absorption, and filtration. After going through the foregoing processes, liquid crystals can be properly reused in LCD panels manufacturing process. ITRI's patented technology can properly dispose of 3 tons of waste LCD panels per day and more than 1,000 tons of them per year. Further, with liquid crystals removed, the separated glass substrates are further transformed into glass-based nanopore absorbent, a highly efficient heavy metal absorbent that is able to dispose of electroplating wastewater containing huge amount of heavy metal. This new reuse approach turns glass of waste LCD panels into green glass adsorbent and creates its reuse value significantly.

Moreover, ITRI collaborated with National Chiao Tung University and National Nano Device Laboratories in developing the CINmat, a microwave annealing technology that uses 2.45 GHz microwave frequency to heat up the silicon atoms in wafer to avoid dopant diffusion at lower temperatures. With CINmat, many pieces of wafers can be processed at a time, which is more effective than the rapid thermal annealing technology. CINmat has been practiced by some domestic manufacturers and is also applied by such industries as chemical industry (carbon fiber field) and electro-optical industry (LED).

Tim Studt, the senior judge of the R&D 100 Awards Committee commented that "ITRI has impressed us in its capacity in winning awards, and ITRI's innovations are visible among all kinds of categories of inventions, which is truly commendable. In my view, ITRI shines in its ability in reflecting the trends for new technologies and novel products by its 11 finalist inventions." (November 2017)

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03 Asus on top of Best Global Taiwan Brands for five straight years

According to the press release issued by the Industrial Development Bureau, MOEA, Asustek Computer Inc. (“Asus”) has created an outstanding record of remaining on top of the Best Global Taiwan Brands list for five straight years. As indicated by the 2017 Best Global Taiwan Brands list released on November 21, 2017, Cathay Financial, as a newcomer on the list, ranked No. 7, making a good debut on the ranking. Following Cathay Financial, *85°C Bakery Café demonstrated the strongest growth by 16% in brand value to come in at No. 8.*

The 2017 Best Taiwan Global Brands survey was conducted by Interband, the world’s leading brand consultancy firm, and the rankings were based on the same standards Interband has applied to assist the *Business Week* in assessing the *Top 100 Most Valuable Global Brands*. This year, the aggregate brand value of the top 20 rose 2.9 percent from last year. Among the top 20 valuable brands, Asus has held onto the first position by its smartphone products and entry into gaming PC arenas with an estimated brand value of USD1.678 billion. The annual rankings are also featured by Cathay Financial’s first appearance on the list to claim the 7th place through its visible performance in expanding businesses abroad, which demonstrates the capabilities and competitiveness of Taiwan’s financial service industry in the global market. Following Cathay Financial, *85°C Bakery Café visualizes the same strength in the retail realm to boost its brand value by upgrading retailing store services and enhancing customer experiences in stores.*

Rounding out this year’s top 20 brands are the representatives from a diverse array of industries which include consumer electronics (Asus, Acer, and HTC), IT (Advantech, MediaTek, and Delta Electronics), sports and health (Giant, Merida, and Johnson), financial services (CTBC, Cathay, and Chailase), food and beverages (Want Want, *85°C Bakery Café, Uni-President*), among which, *three Taiwanese brands present two digit growth and they are 85°C Bakery Café (No. 8, with 16% brand value growth), Advantech (No. 6, with 11% brand value growth), and Delta (No. 15, with 11% brand value growth).*

Interband sorts out and identifies three significant tendencies of the Taiwan Global Brands development for Taiwan-based enterprises and companies to fit in with, which are (1) domination of the “Age of You” to create brand experience, (2) corporate alliance to drive cross-border innovation, and (3) brand upgrading to expand business scope and prospect. First of all, for dominating the “Age of You” to create brand experience, enterprises must make more products of human-centered design by communicating with consumers, who live in a world riddled with all kinds of information and face diverse needs and options for products. Moreover, cross-border cooperation by or among enterprises in different industries will bring about powerful effects to provide consumers with all-round brand services. Last but not least, for upgrading brand and expanding business scope and prospect, Taiwanese brands must go to and penetrate the international market by brand power, technological influence, and expanded businesses. (November 2017)

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04 Taiwan, Japan ink two cooperation agreements at the 42nd Taiwan-Japan Economic and Trade Conference

Taiwan-Japan Relations Association issued a press release to the effect that Taiwan-Japan Relations Association and Japan-Taiwan Exchange Association had

exchanged opinions with respect to expansive range of topics, such as, economy and trade at the 42nd annual Taiwan-Japan Economic and Trade Conference held in Tokyo, Japan from November 21, 2017 through November 22, 2017

At this year's conference, representatives from both Associations touched on issues in regard to economic policy, agriculture, forestry, fisheries/medicine and pharmaceuticals/technology exchange and intellectual property rights. Delegations from both sides inked the agreement on Taiwan-Japan cooperation and mutual assistance in customs matters and also the MOU on Taiwan-Japan cultural exchanges.

This is the 42nd year of the Taiwan-Japan Economic and Trade Conference. Through the annual Conference, Taiwan and Japan have fulfilled a lot of fruitful achievements. After this year's conference, both sides are more willing to enhance all-round cooperation in significant aspects of economy, trade, intellectual property rights, and customs duties. Following the inked agreements by and between the two nations, Taiwan-Japan Relations Association will continue collaboration with Japan-Taiwan Exchange Association to further enlarge the scope of Taiwan-Japan economic and trading interactions and cooperation. (November 2017)

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E171108Y9

05 Amendment to Code of Criminal Procedure regarding non-appealable minor offenses passed

Legislators passed the third reading of the draft amendment to partial provisions of the Taiwan Code of Criminal Procedure on November 7, 2017. According to the draft amendment, the cases which involve the defendant's misdemeanors punishable by jail sentence for not more than three years and are not appealable to the third instance and also should be concluded by a final second-instance judgment will become appealable if the defendant is found not guilty in the first instance but further found guilty in the second instance.

Pursuant to Article 376 of the current Code of Criminal Procedure, no appeal shall be filed with the court of the third instance for cases involving minor offenses punishable by imprisonment for a maximum period of three years, detention, or a fine only, and some other cases involving offenses of theft, embezzlement, fraud, breach of fiduciary duty, extortion, and receiving swag, for which the court of the second instance has rendered a judgment.

The draft amendment adds a proviso to the aforesaid Article to remove the unappealable restriction, which proviso indicates that cases involving the offenses specified in Article 376 are not appealable to the court of the third instance, except when they are adjudicated by the court of the first instance by a judgment of acquittal, of exempt from prosecution, case not entertained, or a judgment of mistake in jurisdiction and the court of the second instance vacates the foregoing judgment and renders a guilty judgment on such cases.

Article 253, 284-1, and Article 376 of the Code of Criminal Procedure are amended as follows.

Article 253:

If a public prosecutor considers it appropriate not to prosecute a case specified in the

first paragraph of Article 376 after having taken into consideration the provisions of Article 57 of the Criminal Code, he/she may make a ruling not to prosecute.

Article 284-1

Trial for the first instance shall be conducted by a panel of judges, unless the case is one of that applies summary trial procedure or summary procedure or is one of those cases involving the offenses specified in the first and second subparagraph of the first paragraph of Article 376.

Article 376

The cases involving the following offenses shall not be appealable to the court of the third instance after being adjudicated by the court of the second instance, except when and only when such cases are adjudicated by the court of the first instance by a judgment of acquittal, of exempt from prosecution, case dismissed, or a judgment of mistake in jurisdiction and the court of the second instance vacates the foregoing judgment and renders a guilty judgment on such cases, the defendant thereof or the individual who has the right to appeal for the defendant's interests may appeal to the court of the third instance.

1. Offenses with a maximum punishment of no more than three years imprisonment, detention, or a fine only;
2. Offense of theft as defined in Articles 320 and 321 of the Criminal Code;
3. Offense of embezzlement as identified in Article 335 and Paragraph 2 of Article 336 of the Criminal Code;
4. Offense of fraud specified in Articles 339 and 341 of the Criminal Code;
5. Offense of breach of fiduciary duty specified in Article 342 of the Criminal Code;
6. Offense of extortion as set forth in Article 346 of the Criminal Code; and
7. Offense of receiving swag as indicated in Article 349 of the Criminal Code.

Where any appeal filed in accordance with the above proviso is dismissed and remanded back to the court of the second instance by the court of the third instance for re-decision, no second appeal may be further filed to the court of the third instance.
(November 2017)



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